

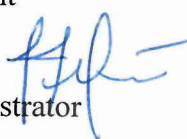


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

February 14, 2022

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Lisa F. Garcia 
Regional Administrator

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer is a party or represents a party. Set forth in the chart below are my former employers. I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **November 29, 2023**.

Former Employers	
Grist Magazine	The Fund for New Jersey
El Puente	The Nature Conservancy
Eastern Environmental Law Center	The Trust for Governor's Island

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me for the Palisades Interstate Park Commission. The definition of "former employer" excludes an entity of a state government.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for the Palisades Interstate Park Commission.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."² Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a "covered relationship" with any former employer which is an entity of a state government. Therefore, I may not participate in a particular matter involving specific parties in which the **Palisades Interstate Park Commission** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts until after November 29, 2022, which is one year after I resigned from the Board.

I also have a "covered relationship" with my spouse's current employer, the City of New

¹ See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

² See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

York, but neither my spouse nor his office will have any environmental issues or matters that will come before the Agency. Thus, on December 16, 2021, the EPA's Alternate Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in particular matters in which the City of New York is a party.

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

DIRECTIVE AND CONCLUSION

To ensure that I do not participate in any particular matters from which I am recused, please refer those matters to the attention of Walter Mugdan, Deputy Regional Administrator, without my knowledge or involvement. Therefore, I should not be sent or copied on substantive emails, attend meetings, or participate in any discussions, make recommendations, or otherwise make decisions with regard to a particular matter covered by my recusal. Official actions on such matters should be made without my recommendation, knowledge, or involvement. Any inquiries regarding the extent of my recusals should be directed to the Region's ethics team or OGC/Ethics. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Dan Utech, Chief of Staff
Walter Mugdan, Deputy Regional Administrator
Paul Simon, Acting Regional Counsel
Eduardo Gonzalez, Regional Ethics Counsel
Justina Fugh, Director, Ethics Office